IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4165 OF 1985

Saifuddin Abbasbhai Kaka
and others ... Petitioners

versus

The Bombay Mercantile
Co-operative Bank Ltd. and
others ... Respondents

...

Mr. A.N. Maniyar, for the Petitioners, absent.
Mr. Hooseni Doctor, for Respondent No. 1.
Rest of the Respondents served.

...

CORAM : A.M.KHANWILKAR,J.

8th July 2004

ORAL ORDER :

1. Counsel for the Respondent Bank has drawn my attention to the observations made by the appellate Court in para 7 of the impugned

judgment that the entire claim of the Bank is satisfied and nothing is due from the appellants (Petitioners herein) or Respondents Nos. 2 and 3. Counsel for the Respondent Bank states on instructions that the Respondent Bank has no claim whatsoever against the Petitioners herein and the claim for which dispute was filed, out of which the present writ petition arises, stands worked out by the subsequent development. That statement is accepted. As the Respondent Bank states that they will not give effect to the Award passed by the Co-operative Court, as according to them, the same is worked out, there is no reason to go into the issues raised in the writ petition, which will be only of academic interest. Viewed in this perspective, I see no reason to elaborate on the merits of the petition. Counsel for the Petitioners is not present when the matter is called out. For the aforesaid reasons, this petition is disposed of.

(A.M.KHANWILKAR,J.)